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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,179	11/29/2001	Barrett Comiskey	H-312	7982

26245 7590 06/02/2004

DAVID J COLE
E INK CORPORATION
733 CONCORD AVE
CAMBRIDGE, MA 02138-1002

EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 06/02/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,179

Applicant(s)

COMISKEY ET AL.

Examiner

Chanh Nguyen

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2-6, 13, 14, 16, 19 and 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7-12, 15, 17, 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species F, Figure 6, claims 1, 7-12, 15, 17-18 and 20 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

2. The references listed on the Information Disclosure Statement filed on September 17, 2002 and September 23, 2002 have been considered by examiner; see attached PTO-1449.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

4. Claims 1-30 are objected to because of the following informalities: Although applicants claims 1-30 meet the requirement of 112/2nd, i.e. mete and bounds are determinable. The recitation claims number such as [c1] to [c30] could be improved because the claim number above may not printed out in the patent (see Patent Application Publication 2002/0063661, none of the claim numbers is printed out). That is the claims should be numbered at beginning of the claim. Example is

1. An electronic display comprising....

2. An electronic display according to claim 1...

It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 7-12, 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobson (WO 97/04398).

As to claim 1, Jacobson discloses an electronic display (10) comprising an electro-optic material (i.e. electrochromic, LCD etc; see page 7, lines 23-30) having a plurality of pixels (120). Jacobson teaches separate first, second and third sets of addressing means (i.e. columns and row electrodes in first page, second page and third page) for addressing said pixels (i.e., each of pages has its own column electrodes 210 and row electrodes 230 for addressing the pixels 120); see Figures 2A-3 and page 5, lines 10-14, page 6, lines 20-31. Jacobson teaches each of said pixels (120) being associated with one addressing means (i.e. one of addressing pages) in each of the three sets (i.e. at least three page addressing means), such that any specific pixel of the display can be addressed by application of signals within

predetermined ranges (i.e. one page) to each of the three addressing means associated with said specific pixel (120) (see page 5, lines 10-15).

While this may unlike applicant's disclosed device, this reads on broad claimed language.

As to claim 7, Jacobson teaches at least one of the sets of addressing devices including a photoconductor (760); see page 21, lines 18-21.

As to claim 8, Jacobson teaches a light source (e.g., electroluminescent 780, or optical fiber 802) associated with the photoconductor and selectively operable to switch the photoconductor between a conductive and a non-conductive state (see page 21, lines 4-23).

As to claim 9, Jacobson teaches a light source associated with the photoconductor and a light valve (PLCD) disposed between the light source (e.g., 802) and the photoconductor (760) and arranged to control transmission of light from the light source to the photoconductor (760); see Figure 10 and see page 7, lines 23-25.

As to claim 10, Jacobson teaches the light valve including a polymer-dispersed liquid crystal (see Figure 7 and page 7, lines 23-25).

As to claim 11, Jacobson teaches the light source including an electroluminescent material (see page 21, lines 11-15).

As to claims 12, Jacobson teaches a plurality of light sources (electroluminescent 780 or optical fiber 804) arranged as a series of elongate rows, and a plurality of light valves arranged as series of elongate columns crossing the

elongate rows, the light sources and light valves together defining a two-dimensional array of pixels in the photoconductor (see Figure 10 and see page 7, lines 23-25).

As to claim 17, Jacobson teaches the electro-optic material comprises an electrophoretic medium (see page 30, lines 45-47).

As to claim 18, Jacobson teaches the electrophoretic medium being an encapsulated electrophoretic medium (see page 30, lines 46-47).

As to claim 20, Jacobson teaches the electro-optic material operates by principle of one of the following: rotating bichromal objects, electrochromics, or suspended particles (see page 13, lines 4-11 and lines 32-33).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobson in view of Drzaic (WO 99/53373).

As to claim 15, note the discussion of Jacobson above, Jacobson does not mention three sets of pixels arranged to display different colors. Drzaic teaches having three sets of pixels arranged to display different colors (e.g., R, G, B) (see Figures 5-8). Combining addressing means of Jacobson (e.g., each page having addressing means) with pixels arranged to display different colors of Drzaic would meet the claimed limitation the third set of addressing means (e.g., third page of Jacobson) being arranged to select one of said three sets of pixels (i.e. any color R, G, B of Drzaic) to be addressed at any given moment as recited in claim. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used pixels arranged with different colors as taught by Drzaic to the pixels arrangement of Jacobson so that the display has superior saturation and brightness with different visual states (see page 4, lines 27-31).

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

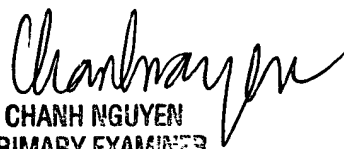
(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Technology Center 2600 Customer Service Office
whose telephone number is (703) 306-0377.


C. Nguyen

May 30, 2004


CHANH NGUYEN
PRIMARY EXAMINER